

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket Nos. 35675 & 35676

STATE OF IDAHO,	)	2009 Unpublished Opinion No. 499
	)	
Plaintiff-Respondent,	)	Filed: June 17, 2009
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
KEVIN J. BROWNING,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

---

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Bannock County. Hon. David C. Nye, District Judge.

Order reinstating probation for felony driving under the influence, affirmed; judgment of conviction and suspended unified sentence of six years, with a minimum period of confinement of three years, for felony driving under the influence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

---

Before LANSING, Chief Judge; PERRY, Judge;  
and GUTIERREZ, Judge

---

PER CURIAM

In Docket No. 35675, Kevin J. Browning pled guilty to felony driving under the influence. I.C. §§ 18-5004, 18-8005(5). The district court sentenced Browning to a unified term of five years, with a minimum period of confinement of two years. The district court suspended the sentence and placed Browning on probation.

In Docket No. 35676, Browning pled guilty to felony driving under the influence. I.C. §§ 18-5004, 18-8005(5). The district court sentenced Browning to a unified term of six years, with a minimum period of confinement of three years. The district court suspended Browning's sentence and placed him on probation. In Docket No. 35675, the district court found that

Browning had violated his probation, but reinstated his probation. The district court ordered that Browning's sentences be served consecutively. Browning appeals, arguing that the district court should have sua sponte reduced his sentence in Docket No. 35675 and that his consecutive sentence in Docket No. 35676 is excessive.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of the sentence are well established and need not be repeated here. *See State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 568, 650 P.2d 707, 710 (Ct. App. 1982). When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, the order reinstating Browning's probation in Docket No. 35675 and judgment of conviction and sentence for felony driving under the influence in Docket No. 35676 are affirmed.